

UNITED STATE DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

**HEIDI EVERTS, Individually and as
Executrix of
the Estate of TIMOTHY EVERTS**

Civil Action No.:
5:01-CV-0383 (DAP)

Plaintiff,

vs.

ACTION 1

ALTEC INDUSTRIES, INC.

Defendant.

ALTEC INDUSTRIES, INC.

Third-Party Plaintiff,

vs.

**THIRD-PARTY
DEFENDANT'S
PRE-TRIAL WITNESS
DISCLOSURE**

NIAGARA MOHAWK POWER CORPORATION

ACTION 2

Third-Party Defendant.

Third-Party Defendant, Niagara Mohawk Power Corporation ("Niagara Mohawk"), submits the following as and for its Pre-Trial Witness Disclosure in the above matter:

In addition to the witnesses disclosed by the Plaintiff and the Defendant in this matter, Third-Party Defendant, Niagara Mohawk, may call Howard Prosser as a witness.

Dated: October 21, 2004

s/ Timothy J. Fennell, Esq.

TIMOTHY J. FENNEL, ESQ.

Bar Roll No.: 101631

Amdursky, Pelky, Fennell & Wallen, P.C.

Attorneys for Third-Party Defendant,
Niagara Mohawk Power Corporation
Office & Post Office Address
26 East Oneida Street
Oswego, New York 13126
Telephone: (315) 343-6363
Facsimile: (315) 343-0134

TO: **JOHN A. DEFRANCISCO, ESQ.**

DeFrancisco Law Firm
Attorneys for Plaintiff
121 East Water Street
Syracuse, New York 13202
Telephone: (315) 479-9000

cc: **SAMUEL A. CHERRY, ESQ.**

scherry@cochranfirm.com

ROBERT H. HOOD, ESQ.

bobby.hood@hoodlaw.com

ROBERT H. HOOD, ESQ.

bobbyjr.hood@hoodlaw.com

EDWARD G. MELVIN, ESQ.

egm@ccf-law.com; la@ccf-law.com

ROBERT J. SMITH, ESQ.

rjs@ccf-law.com; mmt@ccf-law.com; la@ccf-law.com; sld@ccf-law.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

**HEIDI EVERTS, Individually and as
Executrix of
the Estate of TIMOTHY EVERTS**

Civil Action No.:
5:01-CV-0383 (DAP)

Plaintiff,

vs.

ACTION 1

ALTEC INDUSTRIES, INC.

Defendant.

ALTEC INDUSTRIES, INC.

Third-Party Plaintiff,

vs.

**CERTIFICATE OF
SERVICE**

NIAGARA MOHAWK POWER CORPORATION

ACTION 2

Third-Party Defendant.

I hereby certify that on October 21, 2004, I electronically filed Third-Party Defendant, Niagara Mohawk Power Corporation's, Pre-Trial Witness Disclosure with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

SAMUEL A. CHERRY, ESQ.
scherry@cochranfirm.com

ROBERT H. HOOD, ESQ.
bobby.hood@hoodlaw.com

ROBERT H. HOOD, ESQ.

bobbyjr.hood@hoodlaw.com

EDWARD G. MELVIN, ESQ.

egm@ccf-law.com; la@ccf-law.com

ROBERT J. SMITH, ESQ.

rjs@ccf-law.com; mmt@ccf-law.com; la@ccf-law.com; sld@ccf-law.com

And, I hereby certify that I have mailed by the United States Post Service,
the documents listed to the following non-CM/ECF participant:

John A. DeFrancisco, Esq.
DeFrancisco Law Firm
121 East Water Street
Syracuse, New York 13202

Dated: October 21, 2004

s/ Timothy J. Fennell, Esq.

Timothy J. Fennell, Esq.

Bar Roll No.: 101631